

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 11 and 12 have been canceled, and claims 1-2, and 13-14 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3, 5-7, 9-10, and 13-14 are pending and under consideration. Claims 4 and 8 were previously withdrawn. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (a) the amendments were not earlier presented because Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (b) the amendments of claims 1-2, and 13-14 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and
- (c) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

In particular, a feature previously recited in now-cancelled dependent claims 11 and 12 has been introduced into the amended, independent claims 1, 2, 13, and 14. It is clear, therefore, that these amendments raise no new issues requiring a new search. Accordingly, in essence, this Rule 116 Amendment is a request for reconsideration in view of the additional comments of the Applicants below.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining

Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 2, item 2, the Examiner rejected claims 1-3 and 5-14 under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 4,877,717 – hereinafter Suzuki). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claims 1 and 2 recite a resin-cemented optical element: "...wherein said base member has a molding surface that is one of convex and concave."

And amended, independent claims 13 and 14 recite: "...a resin layer formed on a surface of a base member having one of a convex and a concave molding surface..."

In the Office Action, at page 3, regarding claims 11 and 12, the Examiner stated: "...note the base member has a concave (see col. 13, line 67) molding surface." Applicants respectfully disagree. The recited passage merely states that concave lenses 35 are formed in the film, and does not disclose that a molding surface of a base member is concave.

First, as shown in FIG. 14A, a light-sensitive film 32 containing photoreactive compounds such as monomers is coated on a substrate 31. Then, as shown in FIG. 14B, the light-sensitive film 32 is exposed to radiation passed through windows 34 of the photomask 33, to cause a variation in the configuration of the film 32. After exposure, concave lenses 35 are formed in the film 32 (see FIG. 14C), and finally, the unreacted photoreactive compound in the film 32 is stabilized as previously described. (Suzuki, col. 13, line 61-col. 14, line 2.)

There is no indication in Suzuki that the substrate 31 in FIGS. 14 A-C is anything other than flat.

The Examiner asserts that it would have been obvious for one of ordinary skill in the art to use the technique of Suzuki to form a resin layer with a maximum thickness of at least 850 μm and a diameter of at least 34 mm. Applicants respectfully disagree.

Suzuki discloses a technique for forming a concave and a convex surface on a resin layer formed on a surface of a flat base member by a partial exposure. According to the technique of Suzuki, a diffusion liquidity is necessary in a solarization layer for forming a thicker portion by a migration of a resin precursor (see Suzuki, at column 8, lines 28-41). Thus, the surface of the base member must be flat to avoid an ex-current of the solarization layer by the diffusion liquidity prior to the exposure.

In contrast, a resin-cemented optical element comprising a base member and a resin layer formed on a surface of the base member in accordance with the invention of the present application is a breakthrough technique which is able to be realized owing to the invention of the present application. There is no relation to a prior art technique of using a base member comprising a flat surface not having a convex or a concave surface. A non-limiting example of the resin-cemented optical element of the present invention, is an aspheric PAG (plastic adhesion glass) lens in which both primary surfaces of the lens have varying curvatures, and the lens has a maximum thickness not previously achievable. The thickness of the lens and the varying curvatures of both primary surfaces provide optical characteristics not available in a single lens produced with a flat base member.

Applicants respectfully submit that there is no basis to assert that it would have been obvious to one of ordinary skill in the art to apply the technique disclosed in Suzuki, in which a flatness of the molding surface is integral, to form a resin-cemented optical element such as is claimed in the present application.

Applicants' undersigned attorney would be glad to conduct a telephone interview with the Examiner to discuss these technical differences.

Applicants respectfully submit that independent claims 1-2 and 13-14 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons and for the reasons previously presented and incorporated herein by reference. Further, Applicants respectfully submit that claims 3, 5-7, and 9-10, which ultimately depend from independent claims 1 and 2, should be allowable for at least the same reasons as claims 1 and 2, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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